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9		DISTRICT COURT			
10		CT OF CALIFORNIA			
11					
12	SPIGEN KOREA CO., LTD., a Republic	Case No.: 8:15-cv-01050 DOC (DFMx)			
13	of Korea corporation,	Assigned to Hon. David O. Carter			
14	Plaintiff,	PLAINTIFF AND COUNTER-			
15		DEFENDANT SPIGEN KOREA CO.,			
16	V.	LTD.'S ANSWER TO VERUS U.S.A., LLC'S AMENDED			
	ISPEAK CO., LTD., a Republic of Korea	COUNTERCLAIMS			
17	corporation; VERUS U.S.A., LLC, a	HIDV TOLLI DEMANDED			
18	California limited liability company; DOES 1 though 10, inclusive,	JURY TRIAL DEMANDED			
19					
20	Defendants. VERUS U.S.A., LLC, a California				
21	limited liability company,				
22					
23	Counterclaimant,				
24	v.				
25					
26	SPIGEN KOREA CO., LTD., a Republic of Korea corporation,				
	of Rolea corporation,				
27	Counter-Defendant.				
28	PLAINTIFF AND COUNTER-DEFENDANT	SPIGEN KOREA CO., LTD'S ANSWER TO			

**INTRODUCTORY STATEMENT** 1 2 This is SPIGEN KOREA CO., LTD.'s (hereinafter, "Spigen" or "Counter-3 defendant") responsive pleading under Federal Rules of Civil Procedure ("FRCP") 5 12, and contains Spigen's defenses to the counterclaims asserted by Defendant and 6 Counterclaimant VERUS U.S.A., LLC (hereinafter, "Verus" or "Counterclaimant"). 7 SPIGEN'S ANSWER TO VERUS'S AMENDED COUNTERCLAIMS 8 9 Spigen hereby responds to each numbered paragraph of the Amended 10 Counterclaims as follows: 11 **PARTIES** 12 13 Spigen admits the allegations in Paragraph 1 of the Amended 1. 14 Counterclaims. 15 2. Spigen admits the allegations in Paragraph 2 of the Amended 16 17 Counterclaims. 18 JURISDICTION AND VENUE 19 3. Spigen admits to the allegations in Paragraph 3 of the Amended 20 21 Counterclaims. 22 4. Spigen admits, for purposes of this action only, that venue is proper in 23 this District. 24 25 Spigen admits that the Court has personal jurisdiction over Spigen in 5. 26 this action. Except as expressly admitted, Spigen denies the remaining allegations in 27 Paragraph 5 of the Amended Counterclaims. PLAINTIFF AND COUNTER-DEFENDANT SPIGEN KOREA CO., LTD'S ANSWER TO

**COUNT ONE** 1 2 (Declaratory Judgment of Non-Infringement of the '283 Patent) 3 6. Spigen admits that Counterclaimant Verus restates and incorporates by 4 5 reference each of the allegations in Paragraph 1 through 5 of the Amended 6 Counterclaims as though fully set forth herein. Spigen repeats and re-alleges all of 7 the responses in Paragraphs 1 through 5 above, as if set forth fully herein. 9 7. Spigen admits that an actual case and controversy exists as to whether 10 Counterclaimant Verus infringed the '283 Patent. Except as expressly admitted, 11 Spigen denies the remaining allegations in Paragraph 7 of the Amended 12 Counterclaims. 13 14 8. This paragraph states legal conclusions to which no responses are 15 required. To the extent a response is appropriate, Spigen admits that Counterclaimant 16 17 Verus seeks a judicial declaration from the Court finding non-infringement of 18 the '283 patent. Except as expressly admitted, Spigen denies the remaining 19 allegations in Paragraph 8 of the Amended Counterclaims. 20 21 **COUNT TWO** 22 (Declaratory judgment of Invalidity of the '283 Patent) 23 9. Spigen admits that Counterclaimant Verus restates and incorporates by 24 25 reference each of the allegations in Paragraph 1 through 8 of the Amended 26 Counterclaims as though fully set forth herein. Spigen repeats and re-alleges all of 27 the responses in Paragraphs 1 through 8 above, as if set forth fully herein.

- 10. Spigen admits that an actual case and controversy exists as to the validity of the '283 Patent. Except as expressly admitted, Spigen denies the remaining allegations in Paragraph 7 of the Amended Counterclaims.
- 11. This paragraph states legal conclusions to which no responses are required. To the extent a response is appropriate, Spigen admits that Counterclaimant Verus seeks a judicial declaration from the Court finding invalidity of the '283 patent. Except as expressly admitted, Spigen denies the remaining allegations in Paragraph 11 of the Amended Counterclaims.

## **COUNT THREE**

## (Declaratory Judgment of Unenforceability of the '283 Patent)

- 12. Spigen admits that Counterclaimant Verus restates and incorporates by reference each of the allegations in Paragraph 1 through 11 of the Amended Counterclaims as though fully set forth herein. Spigen repeats and re-alleges all of the responses in Paragraphs 1 through 11 above, as if set forth fully herein.
- 13. Spigen admits that an actual case and controversy exists as to whether the '283 Patent is enforceable. Except as expressly admitted, Spigen denies the remaining allegations in Paragraph 13 of the Amended Counterclaims.
- 14. This paragraph states legal conclusions to which no responses are required. To the extent a response is appropriate, Spigen admits that Counterclaimant Verus seeks a judicial declaration from the Court finding the '283 patent is unenforceable for inequitable conduct. Except as expressly admitted, Spigen denies

1	the remaining allegations in Paragraph 14 of the Amended Counterclaims.			
2	15.	Spigen denies the allegations in Paragraph 15 of the Amended		
3 4	Counterclaims.			
5	16.	Spigen denies the allegations in Paragraph 16 of the Amended		
6				
7	Counterclaims.			
8	17.	Spigen denies the allegations in Paragraph 17 of the Amended		
9	Counterclaims.			
10	Spigen denies that Counterclaimant Verus is entitled to any relief sought by			
11	Counterclaimant Verus in its Prayer for Relief.			
12	· ·			
13	<u>AFFIRMATIVE DEFENSES</u>			
<ul><li>14</li><li>15</li></ul>	FIRST AFFIRMATIVE DEFENSE:			
16		(Failure to State a Claim)		
17	1.	The Amended Counterclaim fails to state a claim upon which relief may		
18	be granted.			
19	be granted.			
20		SECOND AFFIRMATIVE DEFENSE:		
21		(Validity and Enforceability of Spigen's '283 Patent)		
22	2.	The claims in Spigen's '283 Patent are valid and enforceable.		
23				
24		THIRD AFFIRMATIVE DEFENSE:		
25		(Verus's Infringement of '283 Patent)		
<ul><li>26</li><li>27</li></ul>	3.	Counterclaimant Verus has infringed and continues to infringe one or		
28	more claims of the '283 Patent.			
۵2	PLAINTIFF AND COUNTER-DEFENDANT SPIGEN KOREA CO., LTD'S ANSWER TO			

**FOURTH AFFIRMATIVE DEFENSE:** 1 2 (Judgment as a Matter of Law) 3 Spigen is entitled to a judgment as a matter of law on the Amended 4. Counterclaim. 6 **FIFTH AFFIRMATIVE DEFENSE:** 7 (Redundant of the Complaint) 8 9 5. Counterclaims are mirror images of claims asserted in the Complaint 10 and are redundant of Counterclaimant's affirmative defenses to the Complaint. 11 SIXTH AFFIRMATIVE DEFENSE: 12 13 (Other Affirmative Defenses) 14 6. Spigen adopts and incorporates herein all affirmative defenses available 15 pursuant to the Federal Rules of Civil Procedure 8 (or any applicable statute or 16 17 regulation), to the extent the facts known at this time would make any of the said 18 defenses available or facts developed in the future would make the same available. 19 No affirmative defense is waived. 20 21 PRAYER FOR RELIEF 22 WHEREFORE, in consideration of the foregoing, Counter-Defendant Spigen 23 requests judgment be entered in its favor and against Counterclaimant Verus as 24 25 follows: 26 That declaratory judgment be entered in Spigen's favor and against 1. 27 Verus: 28 PLAINTIFF AND COUNTER-DEFENDANT SPIGEN KOREA CO., LTD'S ANSWER TO

1	2.	That declaratory judgment be entered, finding the '283 patent is valid	
2	and enforceable;		
3	3.	That declaratory judgment be entered, finding Verus infringed and/or	
4	5. That declaratory judgment be entered, finding verus infiniged and/or		
5	infringes the '283 patent;		
6 7	4.	That the counterclaims, and each and every purported claim for relief	
8	therein, be dismissed with prejudice;		
9	5.	That Spigen be awarded its costs of suit incurred herein, including its	
10	attorney's fees and expenses; and		
11			
12	6.	For such other and further relief as the Court deems just and proper.	
13			
14	Dated: Oc	ctober 28, 2015 Respectfully submitted,	
15		East West Law Group	
16			
17		By: /s/ Heedong Chae	
18		HeeDong Chae Chong Roh Attornove for Plaintiff	
<ul><li>19</li><li>20</li></ul>		Attorneys for Plaintiff SPIGEN KOREA CO., LTD.	
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	PLAI	INTIFF AND COUNTER-DEFENDANT SPIGEN KOREA CO., LTD'S ANSWER TO	

1	JURY DEMAND	
2	Counter-defendant Spigen hereby demands a trial by jury on all issues so	
3		
4	triable.	
5	Dated: October 28, 2015 Respectfully submitted,	
6	East West Law Group	
7	Last West Law Group	
8	By: /s/ Heedong Chae	
9	Heedong Chae Chong Roh	
10	Heedong Chae Chong Roh Attorneys for Plaintiff SPIGEN KOREA CO., LTD.	
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28	PLAINTIFF AND COUNTER-DEFENDANT SPIGEN KOREA CO., LTD'S ANSWER TO	